

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES N/S Wiseburg Road, 820' E of c/l of York Road 810 Wiseburg Road 7th Election District 3rd Councilmanic District

Wiseburg United Methodist Church, Inc., and Wiseburg Cemetery Trustees, Inc.,

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 93-110-SPHXA

Petitioners

Findings of Fact and Conclusions of Law

This matter comes before the Deputy Zoning Commissioner on Petitions for Zoning Special Exception for the continuation of an existing cemetery use pursuant to Baltimore County Zoning Regulations ("BCZR") §1A04.2.B.4. for Variances requesting relief from Section 1A04.B.3 to permit: (a) the existing church to be located 11.5 feet from an ultimate right-of-way, in lieu of the 50 feet required; (b) the existing church parking to be located 30.5 feet from the centerline of a street, in lieu of the 75 feet required; and (c) the existing Meeting Place to be located 20 feet from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from a right-of-way line, all in lieu of the 50 feet required; from BCZR §400.1 to permit the existing shed to remain 0 feet from a side lot line in lieu of the 2.5 feet required; from BCZR §409.8.A.4 to permit the existing church parking to remain 0.5 feet from a right-of-way in lieu of the 10 feet required; from BCZR §413.1.B to permit the existing double-faced, illuminated sign of 64 sq. ft. in lieu of the 30 sq. ft. permitted; and from BCZR §413.5.b to permit the existing sign to remain located within the ultimate right-of-way; and for Special Hearing to approve: the removal of a portion of "Tract B" as shown on the approved FDP of "Coachman's Field" from the effect thereof; the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church; to determine that grave sites are not principal buildings as governed by BCZR §1A04.3.B; to permit, pursuant to BCZR §1A04.2.A.11, the church's continued, existing use of the accessory structure

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 2

located on a non-adjoining, church-owned parcel as a "Meeting Place"; to permit existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property; to permit the continued location of the existing sign within the right-of-way until the public road is widened; and the non-density transfer of portions of recorded lots between Petitioners, all as shown more specifically on the Plans to accompany the Petitions, introduced as Petitioners' Exhibits 1A and 1B, and Exhibit 2.

The Petitioners, Wiseburg United Methodist Church, Inc. (hereinafter the "Church"), and Wiseburg Cemetery Trustees, Inc. (hereinafter the "Cemetery"), were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petitioners were Glen E. Baer, Treasurer and Carroll Brown, Pastor of the Wiseburg United Methodist Church, Inc., Mr. Kenneth Spicer, President of Wiseburg Cemetery Trustees, Inc., Erich J. Schmidt, Property Line Surveyor in the State of Maryland, and other individuals in support of the Petitions filed. There were no Protestants.

The proffered testimony presented by Howard L. Alderman, Jr., Esquire indicated that the subject property is located on the North side of Wiseburg Road, west of York Road, and binds on three sides with the subdivision known as "Coachman's Field". The entire subject property is zoned RC-5.

Testimony indicated that the cemetery had been in operation since 1812, and that there are, at present, an average of six (6) burials per year in the cemetery. Petitioners represented that they had never experienced any problems or complaints regarding traffic or crowd control in connection with the operation of the cemetery. Further testimony indicated that the cemetery use could be continued, as permitted by BCZR § 1A04.2.B.4, and in full accord with the standards for approval of a Special Exception use as identified in BCZR § 502.1. The area of Special Exception is more specifically shown and shaded on Exhibit 1B.

Additional testimony indicated that the Cemetery had reached full agreement with the Church regarding: the transferring of portions of property, as discussed infra; the granting of an easement to the Church for parking and septic reserve area on the property of the Cemetery; continued use by attendees

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

at the church of the accessway connecting the church and the Meeting Place, as shown on Exhibit 1A, on and through the Cemetery property; and continued use by the Church of the covered BBQ area located on the Cemetery property. Moreover, the Cemetery supported all of the zoning relief sought by the Church.

Mr. Alderman stated that the existing church facility was constructed as a single room sanctuary approximately 120 years ago. There are no restroom facilities in the existing church; congregants must walk nearly 400 feet away to use restroom facilities located in the Meeting Place as shown on Exhibit 1A. At present, there is no office space on the subject property for use by the Pastor or officers of the Church.

The testimony offered indicated that a 24 foot by 36 foot church addition and connecting ramp are proposed to be constructed. The addition would provide the necessary restroom facilities and offices for Church use. The connecting ramp would connect the existing church facility to the proposed addition and would provide required handicap access to both buildings. The Church indicated its intentions to construct the proposed addition so as to be compatible with the existing church facility, including exterior materials and roof pitch.

The variances requested would permit the continued existence and use of the existing church facility, meeting place, and church sign for which a Baltimore County sign permit has been previously issued. The remaining variances would permit the continued use of existing parking areas and the construction of the proposed addition and ramp. Testimony further indicated that strict compliance with the BCZR would result in practical difficulty as related to the permitted uses of the existing and proposed structures, that the variance relief requested would not result in increased residential density and that it is peculiar to the land and buildings on or proposed for the subject property. The testimony indicated that the relief requested was the minimum relief necessary, that it would do substantial justice to the Petitioners and other property owners in the district, and that it could be granted within the spirit and intent of the BCZR without jeopardizing the security of the public health, safety and welfare.

Pursuant to BCZR § 500.7, Petitioners seek various determinations and approvals not otherwise specifically identified within the BCZR. In response to an inquiry from the technical zoning review staff,

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 3

Petitioners seek a determination that gravesites are not principal buildings subject to the setback requirements of BCZR § 1A04.3.B.3. After a review of the definitions contained in BCZR § 101, and other applicable sections thereof, I am of the opinion that gravesites are not subject to the setback requirements of BCZR § 1A04.3.B.3. The Church also seeks approval of the continued location of the existing church sign in the ultimate right-of-way until Wiseburg Road is widened and the continued use of the accessory structure, identified as "Meeting Place" on Exhibit 1A, on a parcel owned by the Church which parcel adjoins the Cemetery parcel.

Petitioners have also sought approval of the Church's continued use of a portion of the Cemetery's property for a covered BBQ in connection with Church social events. Approval of the accessway located on the Cemetery's property, connecting the church and the meeting place is also requested. Petitioners further seek approval of an easement to be granted by the Cemetery to the benefit of the Church, for use of portions of the Cemetery's property for parking and septic reserve areas, serving both the church and the meeting place, also owned by the Church.

The testimony offered indicated that the Cemetery had recently purchased approximately 1.329 acres of land from the adjoining property owner, said acreage being identified as "Tract B" Coachman's Field." The Cemetery seeks approval of the removal of "Tract B" from the Final Development Plan of "Coachman's Field" and the non-density transfer of a portion of said Tract to the Church. The portion of Tract B to be transferred to the Church is shown in the Southeasternmost corner of Petitioners' Exhibit 2, and is identified by diagonal lines/shading. The Church seeks the non-density transfer of a portion of its land, located in the Northwest portion of the subject property, to the Cemetery, as indicated in cross-hatched lines on Petitioners' Exhibit 2.

The Petitioners had the burden of adducing testimony and evidence which would show that the continued use of the Cemetery property as a cemetery met the prescribed standards and requirements set forth in BCZR § 502.1. The Petitioners have shown that the proposed use has and will be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the cemetery use at the particular location described by Petitioners'

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 4

Exhibits 1A & 1B would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pitts, 291 Md. 1 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys, nor be inconsistent with the purposes of the subject property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted as requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Mclean v. Soley, 270 Md. 208 (1983). To prove practical difficulty for an area variance, the Petitioner must meet the requirements of BCZR § 307.1 and the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1984).

It is clear from the testimony that if the variances are granted, such uses, as existing and proposed, will not be contrary to the spirit of the BCZR and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardships will result if the special hearing and variances requested are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of these variance requests, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to the subject property. In addition, the relief requested will not cause any injury to the public health, safety or

Page 5

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

general welfare. Further, the granting of the Petitioners' requests is in strict harmony with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of the subject property, and public hearing on these Petitions held, and for the reasons given above, the Petitions for Special Exception, Variance and Special Hearing should be granted.

1992 THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of November, 1992 that the Petition for Special Exception for the continuation of an existing cemetery use pursuant to BCZR § 1A04.2.B.4, and in accordance with Petitioners' Exhibit 1A and 1B, be and is hereby GRANTED, subject, however, to the restriction below; and

IT IS FURTHER ORDERED that the Petition for Variances from each of the BCZR Sections cited below:

- from BCZR § 1A04.B.3 to permit: (a) the existing church to be located 11.5 feet from an ultimate right-of-way, in lieu of the 50 feet required; (b) the existing church parking to be located 30.5 feet from the centerline of a street, in lieu of the 75 feet required; and (c) the existing Meeting Place to be located 20 feet from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from a right-of-way line, all in lieu of the 50 feet required;
- from BCZR §400.1 to permit the existing shed to remain 0 feet from a side lot line in lieu of the 2.5 feet required;
- from BCZR §409.8.A.4 to permit the existing church parking to remain 0.5 feet from a right-of-way in lieu of the 10 feet required;
- from BCZR §413.1.B to permit the existing double-faced, illuminated sign of 64 sq. ft. in lieu of the 30 sq. ft. permitted; and
- from BCZR §413.5.b to permit the existing sign to remain located within the ultimate right-of-way,

all as more particularly described in Petitioners' Exhibit 1A and 1B, be and are hereby approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however to the restriction below; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing to:

- approve the removal of a portion of "Tract B" as shown on the approved FDP of "Coachman's Field" from the effect thereof;

Page 6

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

- approve the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church;
- approve, pursuant to BCZR §1A04.2.A.11, the church's continued, existing use of the accessory structure located on a non-adjoining, church-owned parcel as a "Meeting Place";
- approve the existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property;
- approve the continued location of the existing sign within the right-of-way until the public road is widened;
- approve the non-density transfer of portions of recorded lots between Petitioners; and to
- determine that grave sites are not principal buildings as governed by BCZR §1A04.3.B;

all as shown more specifically on the Plans to accompany the Petitions, introduced as Petitioners' Exhibits 1A and 1B, together with the colored copy of Sheet 1 of the Plan to Accompany the Petition introduced as Petitioners' Exhibit 2, be and the same are hereby APPROVED and GRANTED, subject, however, to the following restriction:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 7

Baltimore County, Maryland
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 19, 1992

(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE N/S Wiseburg Road, 820' E of the c/l of York Road (810 Wiseburg Road) 7th Election District - 3rd Councilmanic District Wiseburg United Methodist Church, Inc., et al - Petitioners Case No. 93-110-SPHXA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: People's Counsel

File

CONTAINING 4.746 acres of land more or less, known as 810
Wiseburg Road, White Hall, Maryland and located in the
Seventh Election District, Baltimore County, Maryland.

93-110-SPHXA



Wiseburg2

Page 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 7A Date of Posting: 10/11/92
Posted for: Special Exception for a house
Petitioner: Wiseburg United Methodist Church, Inc. and Wiseburg Cemetery Trustees, Inc.
Location of property: N/S (Rd) 820' E of c/1 York Rd, 810 Wiseburg Rd.
Location of Sign: Facing 720' delay, on property, being sold
Remarks:
Posted by: Matthew Date of return: 10/11/92
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 16, 1992
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Oct 15, 1992

THE JEFFERSONIAN,

S. Zake Orlov

Publisher

Baltimore County Government
Office of Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-110-SPHXA

Account: R 001-6150

21 JAN 20 1993
1700155 PM '92 \$650.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-110
(11-12 HEARING)

Account: R 001-6150

Number

04A04W0116MICHRC
28 1010:51AM 11-05-92 \$217.25

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10-22-92

Wiseburg United Methodist Church, Inc.
810 Wiseburg Road
White Hall, Maryland 21161

RE:
CASE NUMBER: 93-110-SPHXA (Item 116)
N/S Wiseburg Road, 820' E of c/1 York Road
810 Wiseburg Road
7th Election District - 3rd Councilmanic
Petitioner(s): Wiseburg United Methodist Church, Inc. and Wiseburg Cemetery Trustees, Inc.
HEARING: THURSDAY, NOVEMBER 12, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear petitioner(s):

Please be advised that \$ 217.25 is due for advertising and posting of the above captioned
property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER
SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W.
Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same
payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or
your order, immediate attention to this matter is suggested.

Carl John

ARNOLD JARLOW
DIRECTOR

cc: Howard L. Alderman, Esq.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



OCT. 08 1992

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of
Baltimore County will hold a public hearing on the property identified herein below 106 of the County
Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400
Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-110-SPHXA (Item 116)
N/S Wiseburg Road, 820' E of c/1 York Road
810 Wiseburg Road
7th Election District - 3rd Councilmanic
Petitioner(s): Wiseburg United Methodist Church, Inc. and Wiseburg Cemetery Trustees, Inc.
HEARING: THURSDAY, NOVEMBER 12, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Exception for continuation of existing cemetery use.
Special Hearing to approve the removal of a portion of "Tract B" as shown on the approved F.D.P. of
"Cochran's Field" from the effect thereof; to approve the continued use of the existing, covered 800
area and its environs for social events conducted by the adjoining church; to determine that grave sites
are not principal buildings; to permit the church's continued existing use of the accessory structure
located on a non-adjacent, church-owned parcel as a "Meeting Place"; to permit existing church parking,
the existing, improved accessory connecting the church parking and the Meeting Place, and the existing
to permit the continued location of the existing sign within the right-of-way until the public road is
widened; and to approve the non-densely transfer of portions of recorded lots between Petitioners.
variance to permit the existing church to be located 11.5 feet from an ultimate right-of-way, in lieu of
the 50 feet required; to permit the existing church parking to be located 30.5 feet from the centerline
of a street, in lieu of the 75 feet required; to permit the existing church to be located 20 feet
from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed
church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from
a right-of-way line, all in lieu of the 50 feet required; to permit the existing church to remain 5
feet from a side lot line in lieu of the 2.5 feet required; to permit the existing church parking to remain 5
feet from a right-of-way in lieu of the 10 feet required; and to permit the existing double-faced,
illuminated sign of 64 square feet in lieu of the 30 square feet permitted; and to permit the existing
sign to remain located within the ultimate right-of-way.

Lawrence E. Schlot
Lawrence E. Schlot

Zoning Commissioner of Baltimore County

cc: Wiseburg United Methodist Church, Inc., et al
Howard L. Alderman, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management



October 30, 1992

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, STE 113
Towson, MD 21204

RE: Item No. 116, Case No. 93-110-SPHXA
Petitioner: Wiseburg United Methodist
Church, Inc., et al
Petition for Variance, Special Exception &
Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans
submitted with the above referenced petition. The attached comments
from each reviewing agency are not intended to indicate the
appropriateness of the zoning action requested, but to assure that all
parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are
made aware of plans or problems with regard to the proposed
improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC
that offer or request information on your petition. If additional
comments are received from other members of ZAC, I will forward them
to you. Otherwise, any comment that is not informative will be placed
in the hearing file. This petition was accepted for filing on the
date of the enclosed filing certificate and a hearing scheduled
accordingly.

The following comments are related only to the filing of future
zoning petitions and are aimed at expediting the petition filing
process with this office.

1) The Director of Zoning Administration and Development
Management has instituted a system whereby seasoned zoning
attorneys who feel that they are capable of filing petitions that
comply with all aspects of the zoning regulations and petitions
filing requirements can file their petitions with this office
without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
1st day of October, 1992.

Carl John
ARNOLD JARLOW
DIRECTOR

Received By:

W. Carl Richards, Jr.

Chairman,
Zoning Plans Advisory Committee

Petitioner: Wiseburg United Methodist Church, Inc., et al
Petitioner's Attorney: Howard L. Alderman, Jr.

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Rec'd 10/21/92



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: + 116 (JCM)

Dear Ms. Winiarski:

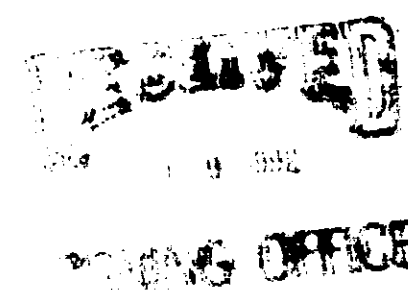
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 10/3/92
John Contestabile, Chief
Engineering Access Permits
Division



My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: October 20, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Wiseburg United Methodist Church

INFORMATION:

Item Number: 116

Petitioner: Wiseburg United Methodist Church

Property Size: 3.852 acres

Zoning: RC 5

Requested Action: Special Exception, Special Hearing, Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting a Special Exception for continuation of the existing cemetery use. The church is also requesting variances that will bring the existing church up to current standards. The petitioner is also requesting a Special Hearing to remove a portion of "Tract B" as shown on the FDP of Coachman's Field from the effect thereof; the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church; to determine that grave sites are not principal buildings as governed by BCZRS1A04.3.B; to permit, pursuant to BCZRS1A04.A.11, the church's continued, existing use of the accessory structure located on a non-adjoining, church-owned parcel as a "Meeting Place"; to permit existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property; to permit the continued location of the existing sign within the right-of-way until the public road is widened; and the non-density transfer of portions of recorded lots between Petitioners; all as more specifically identified on the accompanying Plat.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request and recommend that the following condition be met.

The Wiseburg United Methodist Church and Cemetery are listed on the Maryland Historical Trust Inventory. The plain brick sanctuary in the vernacular style was built in 1871 to replace a meeting house constructed in 1826. The proposed addition containing the restroom facilities should be constructed in a manner that is compatible with the existing church. Such a compatibility review can be conducted by the Office of Planning and Zoning which has registered architects and landscape architects on its staff.

Prepared by: James M. Mearns

Division Chief: Ervin McDaniel

EMCD/FM:rdn

116.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 16, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 14, 1992

ITEM NUMBER: 116

- 1) The minimum parking space maneuvering area is 22 feet.
- 2) The minimum acceptable road width is 16 feet.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJP/WKL/lvd

Rec'd 10/21/92

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

OCTOBER 19, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WISEBURG UNITED METHODIST CHURCH, INC. &
WISEBURG CEMETERY TRUSTEES, INC.

Location: #810 WISEBURG ROAD

Item No.: + 116 (JCM) Zoning Agenda: OCTOBER 13, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 301 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: John A. V. [Signature]
Planning Group
Special Inspection Division

JE/KEK

Rec'd 10/21/92

Department of Recreation and Parks
Development Review Committee Response

Authorized signature: [Signature] Date: 10/1/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Satyr Limited Partnership	115	No Comment	10-13-92
Wiseburg United Methodist Church	116	No Comment	
First United Pentecostal Church	117	No Comment	
Florence Wise Bruhl	119	No Comment	
Brian Scott and John E. Sibrea	120	No Comment	

COUNT 5

FINAL TOTALS

COUNT 5

*** END OF REPORT ***

Rec'd
10/21/92

Department of Environmental Protection & Resource Management
Development Review Committee Response

Authorized signature: [Signature] Date: 11/4/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Satyr Limited Partnership	115	NO COMMENTS	10-13-92
Wiseburg United Methodist Church	116	NO COMMENTS	
Cheryl Cronin	122	WRITTEN COMMENTS	10-19-92
John Henry and Elaine Eleanor Baker	127	IN PROCESS	
Lewis Brooks Ramsey	128	IN PROCESS	
Perry Hall Square Partnership	131	IN PROCESS	10-26-92
Colleen M. Kelly and Gary L. Pitts	132	IN PROCESS	

COUNT 2

Charles L. and Maureen Lamoreaux

DED DEPRM RP STP TE 148 11-16-92 NO COMMENTS

John F. and Christopher S. Jencks

DED DEPRM RP STP TE 154 NO COMMENTS

John and Caule Villanova

DED DEPRM RP STP TE 156 NO COMMENTS

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-5050

HOWARD L. ALDERMAN, JR.

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

September 30, 1992

HAND DELIVERED

Arnold Jablon, Director
Office of Zoning Administration and
Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

RE: Wiseburg Methodist Church, Inc.
Request for Early Hearing

Dear Mr. Jablon:

I have filed this date Petitions for Variance, Special Exception and Special Hearing on behalf of the Wiseburg Methodist Church, Inc. The purpose of this letter is to request that the hearing on these petitions be scheduled as soon as possible.

Our clients have met with community members, leaders and affected community associations to discuss the relief sought and the modest construction proposed. I am pleased to report that I am advised that the plans received favorable community support.

Please let me know if I can provide you with any additional information that will enable you to consider promptly this request.

Very truly yours,

Howard L. Alderman, Jr.

HLA, Jr./gk

cc: Wiseburg Methodist Church, Inc.

#116

REMOVED
SIGN-IN SHEET

NAME	ADDRESS
GLEN E. BAER	19617 Middle town Rd. Freezing MD
ANNE OVER	915 WISBURG Rd. White Hall MD
WILLIAM SHAW	705 WISBURG Rd. White Hall MD
Kenneth M. Spence	19233 York Rd. Parkton MD
ROBERT BAYER	8 ANSELMA Ct. Parkton MD
Rev. Gary M. Basing	2400 FALLS Row Rd. Randallstown MD

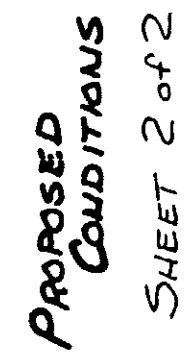
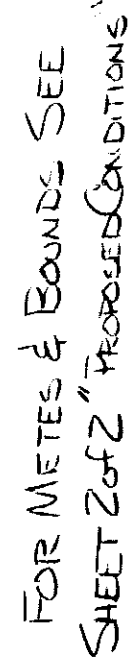
[illegible][illegible]

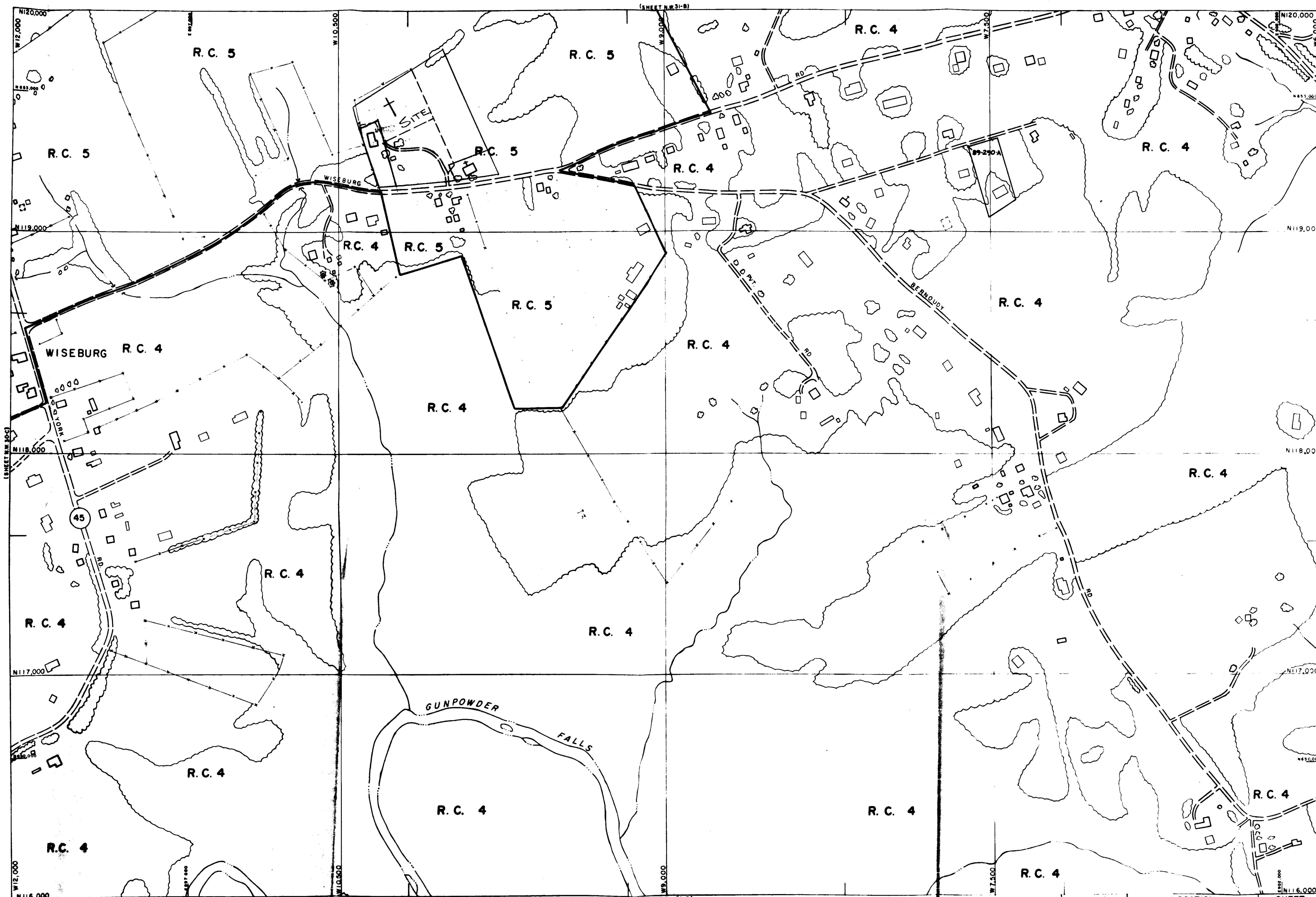
93-110-SPHXA

TRUSTEES MUEZURKUNTING INC.
300 HUSEBURN RD. FORT TOWN MD. 21050

SHEET 1 of 2

2





HH - NE
KK - SE

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
JUNE 1, 1986
Ord. Nos. 144-85, 145-85, 146-85, 147-85, 148-85, 149-85, 150-85

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY AND ELEVATION BY PHOTOGRAMMETRIC METHODS
BY BUCHANAN, INC., BALTIMORE, MD. 21210

SCALE 1" = 200' ±	LOCATION WISEBURG	SHEET NW 30-B
DATE OF PHOTOGRAPHY JANUARY 1986		

93-110-
SPHXA

116



Petition for Special Hearing

93-110-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 810 Wiseburg Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached Continuation Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor:

Type or Print Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

305 West Chesapeake Avenue

Suite 115

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Wiseburg United Methodist Church, Inc.

Type or Print Name:

Signature:

H. Glen Miller, Trustee, #1

Wiseburg Cemetery, Inc.

Type or Print Name:

Signature:

Kenneth Spicer

810 Wiseburg Road 521-2982

White Hall, MD 21161

City:

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Howard L. Alderman, Jr., Esquire

LEVIN & GAMB, P.A.

305 West Chesapeake Avenue, Suite 115

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: _____ DATE: 12-1-92

PETITION FOR SPECIAL HEARING (continuation sheet)

Property Address: 810 Wiseburg Road

the removal of a portion of "Tract B" as shown on the approved FDP of "Coachman's Field" from the effect thereof; the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church; to determine that grave sites are not principal buildings as governed by BCZR §1A04.3.B; to permit, pursuant to BCZR §1A04.A.11, the church's continued, existing use of the accessory structure located on a non-adjacent, church-owned parcel as a "Meeting Place"; to permit existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining BC-5 zoned property; to permit the continued location of the existing sign within the right-of-way until the public road is widened; and the non-density transfer of portions of recorded lots between Petitioners; all as more specifically identified on the accompanying Plat.



Petition for Special Exception

93-110-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 810 Wiseburg Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

continuation of existing cemetery use pursuant to BCZR §1A04.2.B.4

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor:

Type or Print Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

305 West Chesapeake Avenue

Suite 115

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Wiseburg United Methodist Church, Inc.

Type or Print Name:

Signature:

H. Glen Miller, Trustee, #1

Wiseburg Cemetery, Inc.

Type or Print Name:

Signature:

Kenneth Spicer

810 Wiseburg Road 521-2982

White Hall, MD 21161

City:

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Howard L. Alderman, Jr., Esquire

LEVIN & GAMB, P.A.

305 West Chesapeake Avenue, Suite 115

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: _____ DATE: 12-1-92



Petition for Variance

93-110-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 810 Wiseburg Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached Continuation Sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

See attached Continuation Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor:

Type or Print Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

305 West Chesapeake Avenue

Suite 115

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Wiseburg United Methodist Church, Inc.

Type or Print Name:

Signature:

H. Glen Miller, Trustee, #1

Wiseburg Cemetery, Inc.

Type or Print Name:

Signature:

Kenneth Spicer

810 Wiseburg Road 521-2982

White Hall, MD 21161

City:

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Howard L. Alderman, Jr., Esquire

LEVIN & GAMB, P.A.

305 West Chesapeake Avenue, Suite 115

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: _____ DATE: 12-1-92

PETITION FOR VARIANCE (continuation sheet)

Property Address: 810 Wiseburg Road

1A04.B.3 to permit: (a) the existing church to be located 11.6 feet from an ultimate right-of-way, in lieu of the 50 feet required; (b) the existing church parking to be located 30.5 feet from the centerline of a street, in lieu of the 75 feet required; and (c) the existing Meeting Place to be located 20 feet from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from a right-of-way line, all in lieu of the 50 feet required; from BCZR §400.1 to permit the existing shed to remain 0 feet from a side lot line in lieu of the 2.5 feet required; from BCZR §409.B.A.4 to permit the existing church parking to remain 0.5 feet from a right-of-way in lieu of the 10 feet required; from BCZR §413.1.b to permit the existing double-faced, illuminated sign of 64 sq. ft. in lieu of the 30 sq. ft. permitted; and from BCZR §413.5.b to permit the existing sign to remain located within the ultimate right-of-way, all as more specifically identified on the accompanying Plat.

JUSTIFICATION:

To bring existing structures and parking areas into compliance with the BCZR;

To permit existing church to be improved with restrooms;

Irregular configuration of property; and

For such other reasons as will be presented at the requested hearing on this Petition.

HIGHLAND SURVEY ASSOCIATES INC.

4501 FAWN GROVE ROAD
STREET, MARYLAND 21154
(301) 836-1238

Zoning Description #1 93-110-SPHXA

Lands of Trustees of Wiseburg Cemetery, Wiseburg, Baltimore County, Maryland, Inc. and Lands of Trustees of Wiseburg United Methodist Church, Inc., located on the northerly side of Wiseburg Road which is 60 feet wide at a distance of approximately 1,420 feet easterly from the intersection of Wiseburg and York Roads, thence the following courses and distances:

- 1) 18.66 feet along the arc of a curve to the left having a radius of 824.14 feet and subtending a chord of N 85°08'27" E 18.66 feet; thence,
- 2) N 84°29'32" E 223.63 feet; thence,
- 3) 147.36 feet along the arc of a curve to the left having a radius of 2,941.34 feet and subtending a chord of N 83°03'25" E 147.35 feet to a point of compound curvature; thence,
- 4) 43.37 feet along the arc of a curve to the left having a radius of 2,384.83 feet and subtending a chord of N 81°08'03" E 43.37 feet; thence,
- 5) N 80°35'03" E 26.60 feet; thence,
- 6) N 23°06'09" W 619.43 feet; thence,
- 7) S 57°28'45" W 465.41 feet; thence,
- 8) S 14°59'32" E 386.65 feet; thence,

9) 78.96 feet along the arc of a curve to the left having a radius of 824.14 feet and subtending a chord of N 88°32'05" E 78.94 feet to the point of beginning.

Being a part of the following deeds found among the land records of Baltimore County, Maryland:

- 1) Liber 539 Folio 329 dated April 5, 1921 from the Board of Education of Baltimore County to Trustees of the Wiseburg M.E. Church, Inc.
- 2) Liber 182 folio 412 dated May 26, 1826 from Thomas Slade to Christopher Bull et al, Trustees
- 3) Liber 1619 folio 359 dated December 27, 1947 from John T. Price et ux to The Trustees of The Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.

Wiseburg1

Page 1

93-110-SPHXA

4) Liber 9155 folio 095 dated April 23, 1992 from Arthur F. Wood to The Trustees of the Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.

5) Liber 73 Folio 48 dated November 18, 1871 from Pleasant Hunter et ux to Steven Miller et al, Trustees.

CONTAINING 5.69 acres of land more or less, known as 810 Wiseburg Road, White Hall, Maryland and located in the Seventh Election District, Baltimore County, Maryland.



Wiseburg1

Page 2

HIGHLAND SURVEY ASSOCIATES INC.

4501 FAWN GROVE ROAD
STREET, MARYLAND 21154
(301) 836-1238

Zoning Description #2 93-110-SPHXA

Lands of Trustees of Wiseburg Cemetery, Wiseburg, Baltimore County, Maryland, Inc., located on the northerly side of Wiseburg Road which is 60 feet wide at a distance of approximately 1,420 feet easterly from the intersection of Wiseburg and York Roads, thence the following courses and distances:

- 1) 18.66 feet along the arc of a curve to the left having a radius of 824.14 feet and subtending a chord of N 85°08'27" E 18.66 feet; thence,
- 2) N 84°29'32" E 223.63 feet; thence,
- 3) 25.46 feet along the arc of a curve to the left having a radius of 2,941.34 feet and subtending a chord of N 84°14'39" E 25.46 feet; thence,
- 4) N 23°05'54" W 73.80 feet; thence,
- 5) N 67°58'21" E 185.14 feet; thence,
- 6) N 23°06'09" W 498.75 feet; thence,
- 7) S 57°28'45" W 465.41 feet; thence,
- 8) S 14°59'32" E 106.80 feet; thence,
- 9) N 62°15'28" E 78.69 feet; thence,
- 10) S 14°59'32" E 315.67 feet to the point of beginning.

Being a part of the following deeds found among the land records of Baltimore County, Maryland:

- 1) Liber 539 Folio 329 dated April 5, 1921 from the Board of Education of Baltimore County to Trustees of the Wiseburg M.E. church, Inc.
- 2) Liber 182 folio 412 dated May 26, 1826 from Thomas Slade to Christopher Bull et al, Trustees
- 3) Liber 1619 folio 359 dated December 27, 1947 John T. Price et ux to Trustees of The Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.
- 4) Liber 9155 folio 095 dated April 23, 1992 from Arthur F. Wood to Trustees of the Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.

Wiseburg2

Page 1

CONTAINING 4.746 acres of land more or less, known as 810
Wiseburg Road, White Hall, Maryland and located in the
Seventh Election District, Baltimore County, Maryland.

93-110-SPHXA



Wiseburg2

Page 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 7A Date of Posting: 10/11/92
Posted for: Special Exception for a house
Petitioner: Wiseburg United Methodist Church, Inc. and Wiseburg Cemetery Trustees, Inc.
Location of property: N/S (Rd) 820' E of c/1 York Road, 810 Wiseburg Road, 7th Election District
Location of Sign: Facing 7th E. on property being zoned
Remarks:
Posted by: Matthew Date of return: 10/12/92
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 16, 1992
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Oct 15, 1992

THE JEFFERSONIAN,

S. Zake Orlow

Publisher

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-110-SPHXA

Number: R001-6150

Please Make Checks Payable To: Baltimore County

\$650.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-110
(11-12 HEARING)

Account: R001-6150

Number

Please Make Checks Payable To: Baltimore County

\$217.25

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Date: 10-22-92

Wiseburg United Methodist Church, Inc.
810 Wiseburg Road
White Hall, Maryland 21161

RE:
CASE NUMBER: 93-110-SPHXA (Item 116)
N/S Wiseburg Road, 820' E of c/1 York Road
810 Wiseburg Road
7th Election District - 3rd Councilmanic
Petitioner(s): Wiseburg United Methodist Church, Inc. and Wiseburg Cemetery Trustees, Inc.
HEARING: THURSDAY, NOVEMBER 12, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear petitioner(s):

Please be advised that \$ 217.25 is due for advertising and posting of the above captioned
property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER
SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W.
Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same
payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or
your order, immediate attention to this matter is suggested.

Carl John

ARNOLD JARLOW
DIRECTOR

cc: Howard L. Alderman, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

OCT. 08 1992

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of
Baltimore County will hold a public hearing on the property identified herein below 106 of the County
Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400
Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-110-SPHXA (Item 116)
N/S Wiseburg Road, 820' E of c/1 York Road
810 Wiseburg Road
7th Election District - 3rd Councilmanic
Petitioner(s): Wiseburg United Methodist Church, Inc. and Wiseburg Cemetery Trustees, Inc.
HEARING: THURSDAY, NOVEMBER 12, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Exception for continuation of existing cemetery use.
Special Hearing to approve the removal of a portion of "Tract B" as shown on the approved F.D.P. of
"Cochran's Field" from the effect thereof; to approve the continued use of the existing, covered 800
area and its environs for social events conducted by the adjoining church; to determine that grave sites
are not principal buildings; to permit the church's continued existing use of the accessory structure
located on a non-adjacent, church-owned parcel as a "Meeting Place"; to permit existing church parking,
the existing, improved accessory connecting the church parking and the Meeting Place, and the existing
septic reserve area of the church and Meeting Place to be located on adjoining R.C.-5 zoned property; to
permit the continued location of the existing sign within the right-of-way until the public road is
widened; and to approve the non-densely transfer of portions of recorded lots between Petitioners.
variance to permit the existing church to be located 11.5 feet from an ultimate right-of-way, in lieu of
the 50 feet required; to permit the existing church parking to be located 30.5 feet from the centerline
of a street, in lieu of the 75 feet required; to permit the existing Meeting Place to be located 20 feet
from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed
church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from
a right-of-way line, all in lieu of the 50 feet required; to permit the existing shed to remain 5 feet
from a side lot line in lieu of the 2.5 feet required; to permit the existing double-fenced,
illuminated sign of 64 square feet in lieu of the 10 feet required; and to permit the existing
sign to remain located within the ultimate right-of-way.

Lawrence E. Schlot
Lawrence E. Schlot

Zoning Commissioner of Baltimore County

cc: Wiseburg United Methodist Church, Inc., et al
Howard L. Alderman, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



October 30, 1992

(410) 887-3353

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, STE 113
Towson, MD 21204

RE: Item No. 116, Case No. 93-110-SPHXA
Petitioner: Wiseburg United Methodist
Church, Inc., et al
Petition for Variance, Special Exception &
Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans
submitted with the above referenced petition. The attached comments
from each reviewing agency are not intended to indicate the
appropriateness of the zoning action requested, but to assure that all
parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are
made aware of plans or problems with regard to the proposed
improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC
that offer or request information on your petition. If additional
comments are received from other members of ZAC, I will forward them
to you. Otherwise, any comment that is not informative will be placed
in the hearing file. This petition was accepted for filing on the
date of the enclosed filing certificate and a hearing scheduled
accordingly.

The following comments are related only to the filing of future
zoning petitions and are aimed at expediting the petition filing
process with this office.

1) The Director of Zoning Administration and Development
Management has instituted a system whereby seasoned zoning
attorneys who feel that they are capable of filing petitions that
comply with all aspects of the zoning regulations and petitions
filing requirements can file their petitions with this office
without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
1st day of October, 1992.

Carl John
ARNOLD JARLOW
DIRECTOR

Received By:

W. Carl Richards, Jr.

Chairman,
Zoning Plans Advisory Committee

Petitioner: Wiseburg United Methodist Church, Inc., et al
Petitioner's Attorney: Howard L. Alderman, Jr.

Printed on Recycled Paper

Rec'd 10/21/92



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: + 116 (JCM)

Dear Ms. Winiarski:

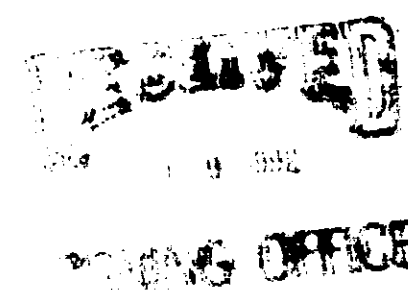
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 10/3/92
John Contestabile, Chief
Engineering Access Permits
Division



My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: October 20, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Wiseburg United Methodist Church

INFORMATION:

Item Number: 116

Petitioner: Wiseburg United Methodist Church

Property Size: 3.852 acres

Zoning: RC 5

Requested Action: Special Exception, Special Hearing, Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting a Special Exception for continuation of the existing cemetery use. The church is also requesting variances that will bring the existing church up to current standards. The petitioner is also requesting a Special Hearing to remove a portion of "Tract B" as shown on the FDP of Coachman's Field from the effect thereof; the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church; to determine that grave sites are not principal buildings as governed by BCZRS1A04.3.B; to permit, pursuant to BCZRS1A04.A.11, the church's continued, existing use of the accessory structure located on a non-adjoining, church-owned parcel as a "Meeting Place"; to permit existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property; to permit the continued location of the existing sign within the right-of-way until the public road is widened; and the non-density transfer of portions of recorded lots between Petitioners; all as more specifically identified on the accompanying Plat.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request and recommend that the following condition be met.

The Wiseburg United Methodist Church and Cemetery are listed on the Maryland Historical Trust Inventory. The plain brick sanctuary in the vernacular style was built in 1871 to replace a meeting house constructed in 1826. The proposed addition containing the restroom facilities should be constructed in a manner that is compatible with the existing church. Such a compatibility review can be conducted by the Office of Planning and Zoning which has registered architects and landscape architects on its staff.

Prepared by: James M. Mearns

Division Chief: Ervin McKinnel

EMCD/FM:rdn

116.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 16, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 14, 1992

ITEM NUMBER: 116

- 1) The minimum parking space maneuvering area is 22 feet.
- 2) The minimum acceptable road width is 16 feet.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJP/WKL/lvd

Rec'd 10/21/92

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

OCTOBER 19, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WISEBURG UNITED METHODIST CHURCH, INC. &
WISEBURG CEMETERY TRUSTEES, INC.

Location: #810 WISEBURG ROAD

Item No.: + 116 (JCM) Zoning Agenda: OCTOBER 13, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 301 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: John A. V. [Signature]
Planning Group
Special Inspection Division

JE/KEK

Rec'd 10/21/92

Department of Recreation and Parks
Development Review Committee Response

Authorized signature: [Signature] Date: 10/19/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Satyr Limited Partnership	115	No Comment	10-13-92
Wiseburg United Methodist Church	116	No Comment	
First United Pentecostal Church	117	No Comment	
Florence Wise Bruhl	119	No Comment	
Brian Scott and John E. Sibrea	120	No Comment	

COUNT 5

FINAL TOTALS

COUNT 5

*** END OF REPORT ***

Rec'd
10/21/92

Department of Environmental Protection & Resource Management
Development Review Committee Response

Authorized signature: [Signature] Date: 11/23/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Satyr Limited Partnership	115	NO COMMENTS	10-13-92
Wiseburg United Methodist Church	116	NO COMMENTS	
Cheryl Cronin	122	WRITTEN COMMENTS	10-19-92
John Henry and Elaine Eleanor Baker	127	IN PROCESS	
Lewis Brooks Ramsey	128	IN PROCESS	
Perry Hall Square Partnership	131	IN PROCESS	10-26-92
Colleen M. Kelly and Gary L. Pitts	132	IN PROCESS	

COUNT 2

Charles L. and Maureen Lamoreaux 148 11-16-92 NO COMMENTS

John F. and Christopher S. Jencks 154 NO COMMENTS

John and Caule Villanova 156 NO COMMENTS

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-525-5050

HOWARD L. ALDERMAN, JR.

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

September 30, 1992

HAND DELIVERED

Arnold Jablon, Director
Office of Zoning Administration and
Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

RE: Wiseburg Methodist Church, Inc.
Request for Early Hearing

Dear Mr. Jablon:

I have filed this date Petitions for Variance, Special Exception and Special Hearing on behalf of the Wiseburg Methodist Church, Inc. The purpose of this letter is to request that the hearing on these petitions be scheduled as soon as possible.

Our clients have met with community members, leaders and affected community associations to discuss the relief sought and the modest construction proposed. I am pleased to report that I am advised that the plans received favorable community support.

Please let me know if I can provide you with any additional information that will enable you to consider promptly this request.

Very truly yours,

Howard L. Alderman, Jr.

HLA, Jr./gk

cc: Wiseburg Methodist Church, Inc.

#116

REMOVED
SIGN-IN SHEET

NAME	ADDRESS
GLEN E. BAER	19617 Middle town Rd. Freezing MD
DAVID QUER	915 WISEBURG Rd. White Hall MD
WILLIAM SHAW	705 W. CHESAPEAKE RD. White Hall MD
Kenneth M. Spence	18233 York Rd. Parkton MD
ROBERT BAYER	8 ANSELMA CT. PARKTON MD
Rev. Gary M. Bessing	2401 FALLS RUN Rd. Parkton MD

A hand-drawn map showing the vicinity of the site. The map is oriented with a north arrow pointing towards the top-left. A road, labeled 'ROAD', runs diagonally from the bottom-left towards the top-right. A creek, labeled 'CREEK', flows from the top-left towards the bottom-right, crossing the road. The 'SITE' is marked with a small square on the road, just below the creek crossing. Other labels include 'VICINITY MAP 1:10000' on the right side, 'T. 83' at the bottom, and 'N. 36' on the right side. The map is drawn on a grid of dashed lines.

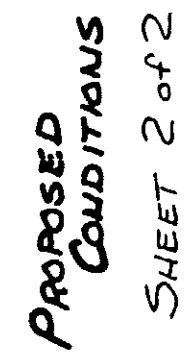
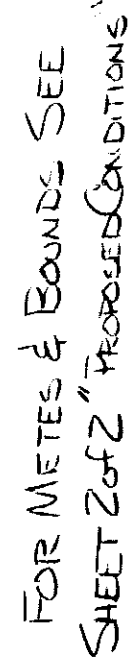
1) EXISTING ZONING = RC-S
2) TIGER AREA PERIODIC CONFORMANCE = 0%
3) NE PRIOR ZONINGS HEARINGS
4) 1" = 200' SCALE MAPSHEET = MAY 2018
5) COMMUNICATIVE DISTRICT = 3
6) ELECTION DISTRICT - 7
7) GROSS AREA SINCE CROWN PAPER C.F.A.R.:
8) PROPOSED LAND ACQUISITION = 100 ± AC ±
9) MARKING OF CONFINEMENTS SINCE SHEETS-6: A
MARKING OF THIS SHEET CONTINUED
25 SHEETS REQUIRED TO PROVIDED TOTAL 25

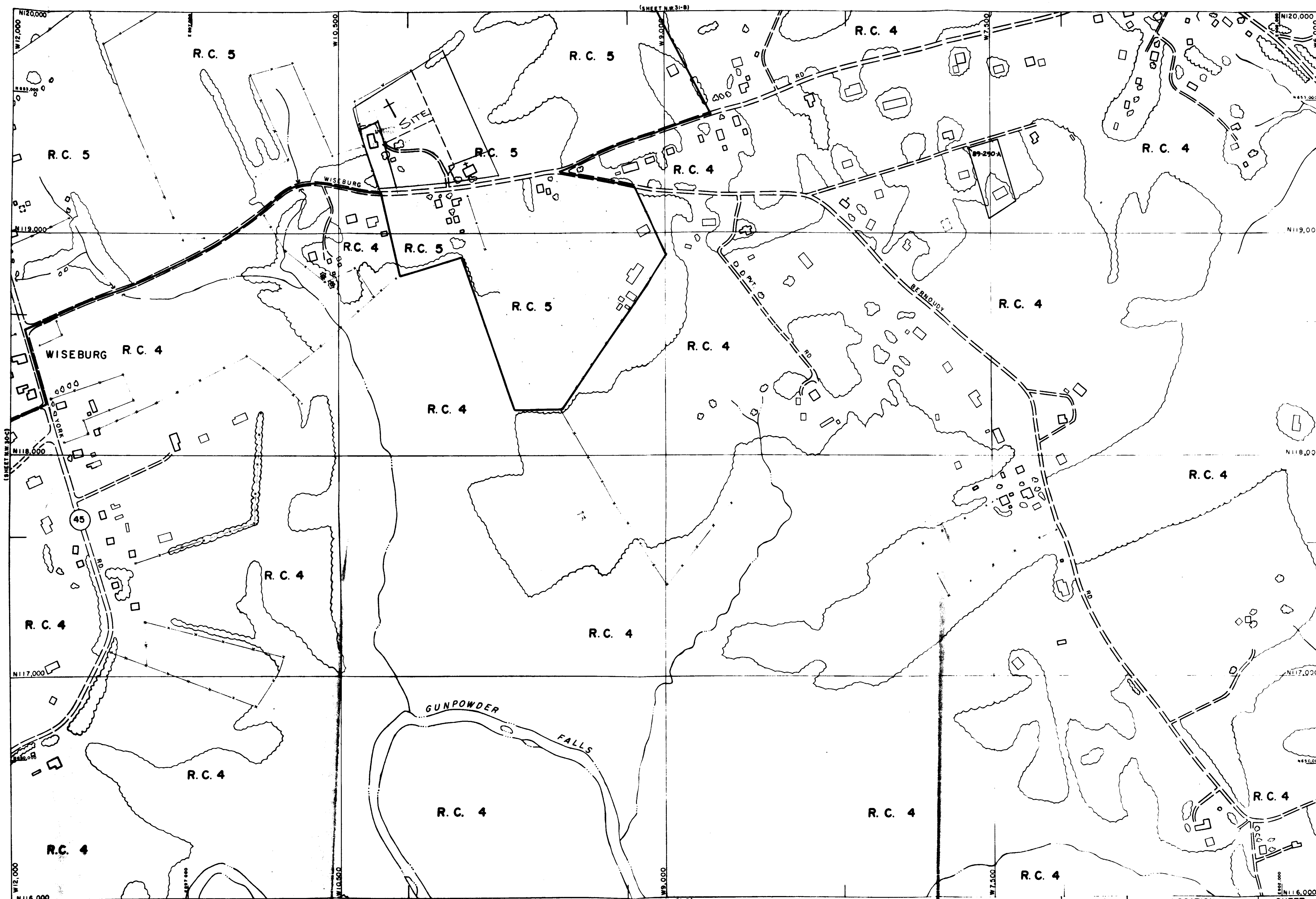
93-110-SPHXA

TRUSTEES MUEZURKUNTING INC.
300 HUSEBURN RD. FORT TOWN MD. 21050

SHEET 1 of 2

2





HH - NE
KK - SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
JUNE 15, 1988
Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY DERIVED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-DEAN, INC., BALTIMORE, MD. 21210

SCALE 1" = 200' ±	LOCATION WISEBURG	SHEET NW 30-B
DATE OF PHOTOGRAPHY JANUARY 1986		

93-110-
SPHXA

116

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES N/S Wiseburg Road, 820' E of c/l of York Road 810 Wiseburg Road 7th Election District 3rd Councilmanic District

Wiseburg United Methodist Church, Inc., and Wiseburg Cemetery Trustees, Inc.,

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 93-110-SPHXA

Petitioners

Findings of Fact and Conclusions of Law

This matter comes before the Deputy Zoning Commissioner on Petitions for Zoning Special Exception for the continuation of an existing cemetery use pursuant to Baltimore County Zoning Regulations ("BCZR") §1A04.2.B.4. for Variances requesting relief from Section 1A04.B.3 to permit: (a) the existing church to be located 11.5 feet from an ultimate right-of-way, in lieu of the 50 feet required; (b) the existing church parking to be located 30.5 feet from the centerline of a street, in lieu of the 75 feet required; and (c) the existing Meeting Place to be located 20 feet from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from a right-of-way line, all in lieu of the 50 feet required; from BCZR §400.1 to permit the existing shed to remain 0 feet from a side lot line in lieu of the 2.5 feet required; from BCZR §409.8.A.4 to permit the existing church parking to remain 0.5 feet from a right-of-way in lieu of the 10 feet required; from BCZR §413.1.B to permit the existing double-faced, illuminated sign of 64 sq. ft. in lieu of the 30 sq. ft. permitted; and from BCZR §413.5.b to permit the existing sign to remain located within the ultimate right-of-way; and for Special Hearing to approve: the removal of a portion of "Tract B" as shown on the approved FDP of "Coachman's Field" from the effect thereof; the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church; to determine that grave sites are not principal buildings as governed by BCZR §1A04.3.B; to permit, pursuant to BCZR §1A04.2.A.11, the church's continued, existing use of the accessory structure

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 2

located on a non-adjoining, church-owned parcel as a "Meeting Place"; to permit existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property; to permit the continued location of the existing sign within the right-of-way until the public road is widened; and the non-density transfer of portions of recorded lots between Petitioners, all as shown more specifically on the Plans to accompany the Petitions, introduced as Petitioners' Exhibits 1A and 1B, and Exhibit 2.

The Petitioners, Wiseburg United Methodist Church, Inc. (hereinafter the "Church"), and Wiseburg Cemetery Trustees, Inc. (hereinafter the "Cemetery"), were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petitioners were Glen E. Baer, Treasurer and Carroll Brown, Pastor of the Wiseburg United Methodist Church, Inc., Mr. Kenneth Spicer, President of Wiseburg Cemetery Trustees, Inc., Erich J. Schmidt, Property Line Surveyor in the State of Maryland, and other individuals in support of the Petitions filed. There were no Protestants.

The proffered testimony presented by Howard L. Alderman, Jr., Esquire indicated that the subject property is located on the North side of Wiseburg Road, west of York Road, and binds on three sides with the subdivision known as "Coachman's Field". The entire subject property is zoned RC-5.

Testimony indicated that the cemetery had been in operation since 1812, and that there are, at present, an average of six (6) burials per year in the cemetery. Petitioners represented that they had never experienced any problems or complaints regarding traffic or crowd control in connection with the operation of the cemetery. Further testimony indicated that the cemetery use could be continued, as permitted by BCZR § 1A04.2.B.4, and in full accord with the standards for approval of a Special Exception use as identified in BCZR § 502.1. The area of Special Exception is more specifically shown and shaded on Exhibit 1B.

Additional testimony indicated that the Cemetery had reached full agreement with the Church regarding: the transferring of portions of property, as discussed infra; the granting of an easement to the Church for parking and septic reserve area on the property of the Cemetery; continued use by attendees

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

at the church of the accessway connecting the church and the Meeting Place, as shown on Exhibit 1A, on and through the Cemetery property; and continued use by the Church of the covered BBQ area located on the Cemetery property. Moreover, the Cemetery supported all of the zoning relief sought by the Church.

Mr. Alderman stated that the existing church facility was constructed as a single room sanctuary approximately 120 years ago. There are no restroom facilities in the existing church; congregants must walk nearly 400 feet away to use restroom facilities located in the Meeting Place as shown on Exhibit 1A. At present, there is no office space on the subject property for use by the Pastor or officers of the Church.

The testimony offered indicated that a 24 foot by 36 foot church addition and connecting ramp are proposed to be constructed. The addition would provide the necessary restroom facilities and offices for Church use. The connecting ramp would connect the existing church facility to the proposed addition and would provide required handicap access to both buildings. The Church indicated its intentions to construct the proposed addition so as to be compatible with the existing church facility, including exterior materials and roof pitch.

The variances requested would permit the continued existence and use of the existing church facility, meeting place, and church sign for which a Baltimore County sign permit has been previously issued. The remaining variances would permit the continued use of existing parking areas and the construction of the proposed addition and ramp. Testimony further indicated that strict compliance with the BCZR would result in practical difficulty as related to the permitted uses of the existing and proposed structures, that the variance relief requested would not result in increased residential density and that it is peculiar to the land and buildings on or proposed for the subject property. The testimony indicated that the relief requested was the minimum relief necessary, that it would do substantial justice to the Petitioners and other property owners in the district, and that it could be granted within the spirit and intent of the BCZR without jeopardizing the security of the public health, safety and welfare.

Pursuant to BCZR § 500.7, Petitioners seek various determinations and approvals not otherwise specifically identified within the BCZR. In response to an inquiry from the technical zoning review staff,

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 3

Petitioners seek a determination that gravesites are not principal buildings subject to the setback requirements of BCZR § 1A04.3.B.3. After a review of the definitions contained in BCZR § 101, and other applicable sections thereof, I am of the opinion that gravesites are not subject to the setback requirements of BCZR § 1A04.3.B.3. The Church also seeks approval of the continued location of the existing church sign in the ultimate right-of-way until Wiseburg Road is widened and the continued use of the accessory structure, identified as "Meeting Place" on Exhibit 1A, on a parcel owned by the Church which parcel adjoins the Cemetery parcel.

Petitioners have also sought approval of the Church's continued use of a portion of the Cemetery's property for a covered BBQ in connection with Church social events. Approval of the accessway located on the Cemetery's property, connecting the church and the meeting place is also requested. Petitioners further seek approval of an easement to be granted by the Cemetery to the benefit of the Church, for use of portions of the Cemetery's property for parking and septic reserve areas, serving both the church and the meeting place, also owned by the Church.

The testimony offered indicated that the Cemetery had recently purchased approximately 1.329 acres of land from the adjoining property owner, said acreage being identified as "Tract B" Coachman's Field." The Cemetery seeks approval of the removal of "Tract B" from the Final Development Plan of "Coachman's Field" and the non-density transfer of a portion of said Tract to the Church. The portion of Tract B to be transferred to the Church is shown in the Southeasternmost corner of Petitioners' Exhibit 2, and is identified by diagonal lines/shading. The Church seeks the non-density transfer of a portion of its land, located in the Northwest portion of the subject property, to the Cemetery, as indicated in cross-hatched lines on Petitioners' Exhibit 2.

The Petitioners had the burden of adducing testimony and evidence which would show that the continued use of the Cemetery property as a cemetery met the prescribed standards and requirements set forth in BCZR § 502.1. The Petitioners have shown that the proposed use has and will be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the cemetery use at the particular location described by Petitioners'

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 4

Exhibits 1A & 1B would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pitts, 291 Md. 1 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys, nor be inconsistent with the purposes of the subject property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted as requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Mclean v. Soley, 270 Md. 208 (1983). To prove practical difficulty for an area variance, the Petitioner must meet the requirements of BCZR § 307.1 and the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1984).

It is clear from the testimony that if the variances are granted, such uses, as existing and proposed, will not be contrary to the spirit of the BCZR and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardships will result if the special hearing and variances requested are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of these variance requests, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to the subject property. In addition, the relief requested will not cause any injury to the public health, safety or

Page 5

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

general welfare. Further, the granting of the Petitioners' requests is in strict harmony with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of the subject property, and public hearing on these Petitions held, and for the reasons given above, the Petitions for Special Exception, Variance and Special Hearing should be granted.

1992 THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of November, 1992 that the Petition for Special Exception for the continuation of an existing cemetery use pursuant to BCZR § 1A04.2.B.4, and in accordance with Petitioners' Exhibit 1A and 1B, be and is hereby GRANTED, subject, however, to the restriction below; and

IT IS FURTHER ORDERED that the Petition for Variances from each of the BCZR Sections cited below:

- from BCZR § 1A04.B.3 to permit: (a) the existing church to be located 11.5 feet from an ultimate right-of-way, in lieu of the 50 feet required; (b) the existing church parking to be located 30.5 feet from the centerline of a street, in lieu of the 75 feet required; and (c) the existing Meeting Place to be located 20 feet from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from a right-of-way line, all in lieu of the 50 feet required;
- from BCZR §400.1 to permit the existing shed to remain 0 feet from a side lot line in lieu of the 2.5 feet required;
- from BCZR §409.8.A.4 to permit the existing church parking to remain 0.5 feet from a right-of-way in lieu of the 10 feet required;
- from BCZR §413.1.B to permit the existing double-faced, illuminated sign of 64 sq. ft. in lieu of the 30 sq. ft. permitted; and
- from BCZR §413.5.b to permit the existing sign to remain located within the ultimate right-of-way,

all as more particularly described in Petitioners' Exhibit 1A and 1B, be and are hereby approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however to the restriction below; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing to:

- approve the removal of a portion of "Tract B" as shown on the approved FDP of "Coachman's Field" from the effect thereof;

Page 6

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

- approve the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church;
- approve, pursuant to BCZR §1A04.2.A.11, the church's continued, existing use of the accessory structure located on a non-adjoining, church-owned parcel as a "Meeting Place";
- approve the existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property;
- approve the continued location of the existing sign within the right-of-way until the public road is widened;
- approve the non-density transfer of portions of recorded lots between Petitioners; and to
- determine that grave sites are not principal buildings as governed by BCZR §1A04.3.B;

all as shown more specifically on the Plans to accompany the Petitions, introduced as Petitioners' Exhibits 1A and 1B, together with the colored copy of Sheet 1 of the Plan to Accompany the Petition introduced as Petitioners' Exhibit 2, be and the same are hereby APPROVED and GRANTED, subject, however, to the following restriction:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/19/92
By [Signature]

Page 7

Baltimore County Department of
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 19, 1992

(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE N/S Wiseburg Road, 820' E of the c/l of York Road (810 Wiseburg Road) 7th Election District - 3rd Councilmanic District Wiseburg United Methodist Church, Inc., et al - Petitioners Case No. 93-110-SPHXA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: People's Counsel

File



Petition for Special Hearing

93-110-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 810 Wiseburg Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached Continuation Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

Type or Print Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 115

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Wiseburg United Methodist Church, Inc.

By: *[Signature]*

H. Glen Miller, Trustee

Wiseburg Cemetery, Inc.

By: *[Signature]*

Kenneth Spicer

810 Wiseburg Road 521-2982

White Hall, MD 21161

City:

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue, Suite 115

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: *[Signature]* DATE: 12-1-92

PETITION FOR SPECIAL HEARING

(continuation sheet)

Property Address: 810 Wiseburg Road

the removal of a portion of "Tract B" as shown on the approved FDP of "Coachman's Field" from the effect thereof; the continued use of the existing, covered BBQ area and its environs for social events conducted by the adjoining church; to determine that grave sites are not principal buildings as governed by BCZR §1A04.3.B; to permit, pursuant to BCZR §1A04.A.11, the church's continued, existing use of the accessory structure located on a non-adjacent, church-owned parcel as a "Meeting Place"; to permit existing church parking, the existing, improved accessway connecting the church parking and the Meeting Place, and the existing septic reserve areas of the church and Meeting Place to be located on adjoining RC-5 zoned property; to permit the continued location of the existing sign within the right-of-way until the public road is widened; and the non-density transfer of portions of recorded lots between Petitioners; all as more specifically identified on the accompanying Plat.



Petition for Special Exception

93-110-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 810 Wiseburg Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

continuation of existing cemetery use pursuant to BCZR §1A04.2.B.4

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

Type or Print Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 115

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Wiseburg United Methodist Church, Inc.

By: *[Signature]*

H. Glen Miller, Trustee

Wiseburg Cemetery, Inc.

By: *[Signature]*

810 Wiseburg Road 521-2982

White Hall, MD 21161

City:

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue, Suite 115

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: *[Signature]* DATE: 12-1-92



Petition for Variance

93-110-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 810 Wiseburg Road
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached Continuation Sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

See attached Continuation Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

Type or Print Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 115

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

We, the undersigned, declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Wiseburg United Methodist Church, Inc.

By: *[Signature]*

H. Glen Miller, Trustee

Wiseburg Cemetery, Inc.

By: *[Signature]*

810 Wiseburg Road 521-2982

White Hall, MD 21161

City:

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Howard L. Alderman, Jr., Esquire

LEVIN & GANN, P.A.

305 West Chesapeake Avenue, Suite 115

Towson, Maryland 21204

Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

the following date: _____

ALL OTHER: _____

REVIEWED BY: *[Signature]* DATE: 12-1-92

PETITION FOR VARIANCE

(continuation sheet)

Property Address: 810 Wiseburg Road

1A04.B.3 to permit: (a) the existing church to be located 11.6 feet from an ultimate right-of-way, in lieu of the 50 feet required; (b) the existing church parking to be located 30.5 feet from the centerline of a street, in lieu of the 75 feet required; and (c) the existing Meeting Place to be located 20 feet from side lot lines, the existing church to be located 47 feet from a rear lot line, and the proposed church addition to be located 3 feet from a side lot line, 16 feet from a rear lot line, and 20 feet from a right-of-way line, all in lieu of the 50 feet required; from BCZR §400.1 to permit the existing shed to remain 0 feet from a side lot line in lieu of the 2.5 feet required; from BCZR §409.B.A.4 to permit the existing church parking to remain 0.5 feet from a right-of-way in lieu of the 10 feet required; from BCZR §413.1.b to permit the existing double-faced, illuminated sign of 64 sq. ft. in lieu of the 30 sq. ft. permitted; and from BCZR §413.5.b to permit the existing sign to remain located within the ultimate right-of-way, all as more specifically identified on the accompanying Plat.

JUSTIFICATION:

To bring existing structures and parking areas into compliance with the BCZR;

To permit existing church to be improved with restrooms;

Irregular configuration of property; and

For such other reasons as will be presented at the requested hearing on this Petition.

HIGHLAND SURVEY ASSOCIATES INC.

4501 FAWN GROVE ROAD
STREET, MARYLAND 21154
(301) 836-1238

Zoning Description #1 93-110-SPHXA

Lands of Trustees of Wiseburg Cemetery, Wiseburg, Baltimore County, Maryland, Inc. and Lands of Trustees of Wiseburg United Methodist Church, Inc., located on the northerly side of Wiseburg Road which is 60 feet wide at a distance of approximately 1,420 feet easterly from the intersection of Wiseburg and York Roads, thence the following courses and distances:

- 1) 18.66 feet along the arc of a curve to the left having a radius of 824.14 feet and subtending a chord of N 85°08'27" E 18.66 feet; thence,
- 2) N 84°29'32" E 223.63 feet; thence,
- 3) 147.36 feet along the arc of a curve to the left having a radius of 2,941.34 feet and subtending a chord of N 83°03'25" E 147.35 feet to a point of compound curvature; thence,
- 4) 43.37 feet along the arc of a curve to the left having a radius of 2,384.83 feet and subtending a chord of N 81°08'03" E 43.37 feet; thence,
- 5) N 80°35'03" E 26.60 feet; thence,
- 6) N 23°06'09" W 619.43 feet; thence,
- 7) S 57°28'45" W 465.41 feet; thence,
- 8) S 14°59'32" E 386.65 feet; thence,

9) 78.96 feet along the arc of a curve to the left having a radius of 824.14 feet and subtending a chord of N 88°32'05" E 78.94 feet to the point of beginning.

Being a part of the following deeds found among the land records of Baltimore County, Maryland:

- 1) Liber 539 Folio 329 dated April 5, 1921 from the Board of Education of Baltimore County to Trustees of the Wiseburg M.E. Church, Inc.
- 2) Liber 182 folio 412 dated May 26, 1826 from Thomas Slade to Christopher Bull et al, Trustees
- 3) Liber 1619 folio 359 dated December 27, 1947 from John T. Price et ux to The Trustees of The Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.

Wiseburg1

Page 1

93-110-SPHXA

4) Liber 9155 folio 095 dated April 23, 1992 from Arthur F. Wood to The Trustees of the Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.

5) Liber 73 Folio 48 dated November 18, 1871 from Pleasant Hunter et ux to Steven Miller et al, Trustees.

CONTAINING 5.69 acres of land more or less, known as 810 Wiseburg Road, White Hall, Maryland and located in the Seventh Election District, Baltimore County, Maryland.



Wiseburg1

Page 2

HIGHLAND SURVEY ASSOCIATES INC.

4501 FAWN GROVE ROAD
STREET, MARYLAND 21154
(301) 836-1238

Zoning Description #2 93-110-SPHXA

Lands of Trustees of Wiseburg Cemetery, Wiseburg, Baltimore County, Maryland, Inc., located on the northerly side of Wiseburg Road which is 60 feet wide at a distance of approximately 1,420 feet easterly from the intersection of Wiseburg and York Roads, thence the following courses and distances:

- 1) 18.66 feet along the arc of a curve to the left having a radius of 824.14 feet and subtending a chord of N 85°08'27" E 18.66 feet; thence,
- 2) N 84°29'32" E 223.63 feet; thence,
- 3) 25.46 feet along the arc of a curve to the left having a radius of 2,941.34 feet and subtending a chord of N 84°14'39" E 25.46 feet; thence,
- 4) N 23°05'54" W 73.80 feet; thence,
- 5) N 67°58'21" E 185.14 feet; thence,
- 6) N 23°06'09" W 498.75 feet; thence,
- 7) S 57°28'45" W 465.41 feet; thence,
- 8) S 14°59'32" E 106.80 feet; thence,
- 9) N 62°15'28" E 78.69 feet; thence,
- 10) S 14°59'32" E 315.67 feet to the point of beginning.

Being a part of the following deeds found among the land records of Baltimore County, Maryland:

- 1) Liber 539 Folio 329 dated April 5, 1921 from the Board of Education of Baltimore County to Trustees of the Wiseburg M.E. church, Inc.
- 2) Liber 182 folio 412 dated May 26, 1826 from Thomas Slade to Christopher Bull et al, Trustees
- 3) Liber 1619 folio 359 dated December 27, 1947 John T. Price et ux to Trustees of The Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.
- 4) Liber 9155 folio 095 dated April 23, 1992 from Arthur F. Wood to Trustees of the Wiseburg Cemetery, Wiseburg, Baltimore County Maryland, Inc.

Wiseburg2

Page 1